

DDI-388-70

Executive Registry

6 February 1970

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MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : OSS Records

1. This memorandum is for your information and is in response to your request regarding the status and availability of the "OSS Archives".

2. The "OSS Archives" include the records of OSS, its predecessor, the Office of the Coordinator of Information, and its successor, the Strategic Services Unit (SSU). These records contain between 10 million and 14 million pages of material and are located in CIA, the National Archives, and the Franklin D. Roosevelt Library at Hyde Park, New York. In addition, the CIA Central Reference Service holds 143 OSS films on countries, training, operations, and the like. Access to these records is controlled by CIA alone or jointly with the National Archives. Tab A presents a more detailed summary of the location, volume, type of record, and control of access.

3. The OSS materials are still being used in the Agency. In 1957 we started a systematic review of the OSS records and have selected and duplicated a small percentage of these documents for inclusion in the Clandestine Service Record System. The OSS records are used for processing about [redacted] queries a week, for some of the current CIA historical program on bases and stations overseas, and for operational and counterintelligence purposes. For example, we are still using 201 files on China which were begun in OSS days and continued through SSU and CIG to the present. These records are also used to certify creditable

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OSS service for both US citizens and foreign nationals, to respond to requests for information from individuals formerly associated with the predecessor organizations, to answer unclassified inquiries from the general public, and to settle claims from heirs or relatives of former OSS agents.

4. Although well controlled and indexed for our current uses, the OSS material is very poorly organized for historical research. The TOP SECRET papers have been separated from those of lower classification and have been filed by TS number. Other than that, the papers are in no discernable order. The primary breakdown of materials of lower classification is organizational. For example, the files  are stored in one group of boxes. Within these boxes the files are essentially in the same order and contain the same papers as when the last operating unit had them. Since there was no standard filing system, the order and titles of files of any one component bears little resemblance to that of any other.

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5. Before these records could be released they would have to be screened by officers who are aware of the currently useful and classified information in them. Although I have not been able to get an estimate of the number of manhours involved in screening a box of these records, it is clear that meaningful access even by cleared outside scholars would require so much preliminary screening by CIA personnel as to be out of the question for the foreseeable future.

6. The vast majority of the papers would be of no historical interest to a scholar, and even if he were given completely free access, the sheer volume of the materials that would have to be searched before finding anything of historical significance would be overwhelming. The problem would be more manageable if the topic were limited to a single organizational unit or operation, and if the researcher was directly familiar with the material under consideration or had the help of someone who was.

7. From time to time access to OSS records and information has been granted authors and former OSS personnel to publish unclassified articles and books. Tab B summarizes some of the

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more important of these instances. Occasionally, students and scholars request information on OSS from the National Archives and the Department of the Army. When possible, these requests are honored with the approval of CIA.

8. There are some legal aspects of the problem of control and access to these records worth noting. One deals with the Freedom of Information Act which raises certain questions about the accessibility by private individuals to some of the OSS records. Another is our responsibility to preserve all of these documents under the statutes on archival material. In addition, there has been some question about the legal title to the OSS materials now in our custody. These topics are covered more fully in Tab C.

EDWARD W. PROCTOR  
Assistant Deputy Director for Intelligence

Attachments:

- Tab A - OSS Archives (location, volume, type, access control)
- Tab B - Summary of Release of OSS Records
- Tab C - Legal and Policy Aspects

cc: D/DCI/NIPE w/atts.

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Distribution:

- Original and 1 - Addressee w/atts.
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  - 1 - Mr. Pforzheimer w/atts.
  - 1 - ADDI w/atts.
  - 1 - ADDI History file w/atts.

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Tab A

OSS Archives

<u>Location</u>	<u>Million Pages</u>	<u>Access Control</u>	<u>Content</u>
CIA Headquarters RID/Archives	2.5-3.5	CIA (SSU)	OSS Director's files Some OSS personnel, operational, and miscellaneous files SSU records
CIA Records Center [REDACTED]	6.0-8.3	CIA (SSU)	OSS field records 25X1 OSS documents and studies prepared by the Research and Analysis Branch OSS administrative files (personnel, finance, communications, training, medical, logistics, etc.) OSS operational reports OSS project files Selected OSS files [REDACTED] 25X1
National Archives Washington, D. C.	1.5-2.0	National Archives and CIA	Records of the Office of the Coordinator of Information Records of the Research and Analysis Branch, OSS Records of the Interdepartmental Committee for the Acquisition of Foreign Publications Conversations with foreigners on postwar problems in foreign countries (San Francisco, 1945)
Franklin D. Roosevelt Library ("closed" section)	0.03	CIA	Correspondence between FDR and General Donovan OSS reports, studies, and miscellaneous documents sent to the White House

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Tab B

Summary of Release of OSS Records

For a time immediately after World War II certain of the OSS records were made available for unclassified publication. General Donovan and others felt that the story of OSS should be told publicly, and at least 181 different OSS reports and documents on key operations were declassified and made available on request to the public media. Included in this was material on Operation Sunrise (the Italian surrender); the Jedburghs (aiding the French Resistance); the Torch Mission (North African invasion); and OSS activities in Siam. Some of the personnel involved were made available for interview. Between January 1946 and October

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General Donovan had maintained a set of duplicate files and records in his private office in New York. These included his correspondence with the White House, the JCS, State, War, and Navy as well as a complete file of R&A reports and other working papers, classified through TOP SECRET. Following his death in 1959, these papers were taken into CIA custody, although technically they are still the property of the Donovan estate. His heirs and partners commissioned [redacted]

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[redacted] to write a biography of Donovan. Arrangements were made for the author to have full access to the OSS records, subject to CIA security approval and declassification of material for inclusion in the book. On CIA initiative this arrangement was canceled during the McCone period. Access to Donovan's OSS papers were held--considered part of the Donovan estate--was later granted to [redacted] (formerly

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the OSS Executive Officer) to write a biography. This has been completed; and the book, Donovan of OSS, is to be published this month. None of the classified material in the Donovan papers we hold was used in the book.

Classified material from "OSS Archives" on the surrender of German troops in Italy was made available to Mr. Dulles by the Director in 1964, and the necessary material was declassified for his book, The Secret Surrender. Information from official OSS documents in British hands was published in SOE in France by Michael Foot (1966), a volume in the official British History of the Second World War. There is no record that permission to use this material was requested by the British.

Copies of some OSS reports on the French Resistance have also been furnished to the semi-official Comite d'Histoire de la 2<sup>e</sup> Guerre Mondiale in Paris in response to an official request through the French Embassy in Washington.

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Legal and Policy Aspects

The Freedom of Information Act

The Freedom of Information Act of 1966 (effective 4 July 1967) creates certain problems. The basic intent of the Act is to require every federal agency, on request for identifiable records, to make them available to any person requesting them and thus to prevent Government agencies from unjustifiably withholding information that should be reasonably available to a person having some basis for seeking it. The Act makes provision to exempt from its terms information which should be kept secret "in the interest of the national defense or foreign policy". This would appear to exempt our classified OSS archives from its provisions. Also exempted are personnel and medical files, as release would constitute a "clearly unwarranted invasion of personal privacy", and investigatory files of a security nature.

The General Counsel advises that in his opinion to give access to the "OSS Archives" to certain people and not to others requesting the same privilege cannot be successfully challenged under this Act, provided we are dealing with classified records and appropriate security clearances. It should be noted that there is a suit presently pending in California under the Freedom of Information Act in which the plaintiff seeks to gain access to certain OSS records in possession of the Army. The plaintiff seeks a ruling that the Freedom of Information Act authorizes the court to review the validity of the classification of the documents rather than to accept the executive determination thereon. While the Federal District Court has ruled against the plaintiff in this case, the General Counsel states that we cannot be sure of the outcome until the pending appeal has been decided. The General Counsel also notes that there are a substantial number of papers in the "OSS Archives" which, if made public, could be seriously embarrassing or damaging to people still living, and about whom certain types of information probably cannot be excluded under the exclusion given to personnel or security files under the Act.

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### Archival Aspects of the OSS Records

A good deal of the material in the OSS records represents material within the meaning of the statutes bearing on archival material, and much of it, except for duplicates, cannot be destroyed under the provisions of those laws. While the National Archives cannot tell us to give access of this material, they do exercise some control over its ultimate destiny. For instance, our recent request to destroy wartime photographs of no use to us was denied by the National Archives.

### Legal Title to OSS Records

For some time there was doubt about who had legal title to the OSS records in our custody. Following the dissolution of OSS in October 1945, these records along with the operational and administrative units of OSS were transferred to the War Department and placed under the Assistant Secretary of War.

After the creation of CIG, the Secretary of War ordered that the SSU records required by the Director of Central Intelligence were to be transferred to the Office of the Secretary of War and "placed under the operational control of the Director of Central Intelligence". When SSU was liquidated as an operating entity in October 1946, its personnel, property, supplies, and equipment were transferred to CIG, but its records were not specifically mentioned in connection with the transfer. (There is some undocumented recollection that in 1946, when Admiral Leahy, Chief of Staff to President Truman, ordered an official OSS history prepared, SSU did not have the funds for this project, and it may have been funded by the JCS under whose jurisdiction OSS had originally been placed.) There is some recollection that the title to the records was left "deliberately fuzzy" for jurisdictional reasons of the time.

On 30 January 1952, Mr. Houston addressed a memorandum to the DDCI regarding Control of OSS Records. In it he concluded:

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"In view of the foregoing, it is our opinion that there has been no transfer of title, in legal concept, of the OSS records from the Department of Army to CIA but that full operational control, including release of information, has been granted to CIA by the Department of the Army. As a practical matter, we believe the records could be authenticated as SSU records by either CIA or the Army depending on what is desired in any one case. In the past, releases or clearances through the Army have been handled by the Army ..."

On 2 May 1964, following full coordination with DDP components, the Director of Security, and the General Counsel, Mr. Kirkpatrick, as Executive Director, wrote the Interdepartmental Committee on Internal Security that:

"... the classified data produced by this Agency from the US Government and disseminated within the Government, on a need-to-know basis, cannot be released outside those confines and this Agency has no program for such releases. As custodians, we must also impose these same limitations upon the records of our predecessor organizations (OSS, SSU, and CIG), wherever such records might be held."

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